

INTRODUCTION

This document was developed as part of a pilot project conducted by King County's Department of Development and Environmental Services. The pilot project is intended to examine the feasibility of replacing the current conventional land use code with a Form-Based Code. In the Urban Area, the code's goal is to allow greater flexibility to developers and land owners while encouraging the development of vibrant, mixed-use neighborhoods. For Rural Area residents and land owners, the Code's goal is simplified and flexible land use regulations to provide increased predictability in the development process and create more opportunities for rural businesses.

To assist in the development of the new Form-Based Code, King County selected three initial demonstration areas for the pilot project. These are located in Bear Creek, East Renton, and Martin Luther King Jr. Way west of Renton. For more detail on the exact boundaries of the pilot areas, and to see updates on the project, refer to the King County website.

1. AUTHORITY

The action of the King County Council (Washington State) in the adoption of this Form-Based Code ("this Code") is authorized under the State Constitution, the County Charter, and the King County Code.

This Code was adopted as one of the instruments to implement the purposes and objectives of the adopted King County Comprehensive Plan. This Code is declared to be in accord with and in furtherance of the Comprehensive Plan.

This Code was adopted to promote the health, safety, and general welfare of King County, Washington, and its citizens. This Code is designed to assist the County in:

- Protecting the natural environment;
- Conserving land, energy, and natural resources;
- Reducing vehicular traffic and congestion;
- Promoting the health benefits of a walkable pedestrian environment;

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- Preserving historic resources and buildings;
- Providing affordable housing options;
- Promoting green building and climate protection
- Reducing suburban sprawl; and
- Improving the character and quality of the built environment.

This Code was adopted and may be amended by vote of the County Council.

2. INTENT AND PURPOSE

The intent and purpose of this Code is to:

- Conserve and protect natural areas that are not suitable for development.
- Conserve and protect productive agricultural lands in the County;
- Establish Clustered Land Development Communities in rural and agricultural areas to preserve natural open space and productive agricultural lands;
- To establish compact Traditional Neighborhood Communities and Transit-Oriented Development Communities as the preferred pattern of development within suburban and rural areas and single-use or limited-use developments as the exception;
- To establish mixed-use neighborhoods where daily activities should occur within walking distance of most suburban and urban dwellings, allowing independence to those who do not drive and giving residents with automobiles a range of mobility options;
- To establish neighborhoods with an interconnected networks of streets to disperse traffic, reduce the length of automobile trips, and promote walking and biking;
- To establish neighborhoods with a range of housing types and price levels to accommodate diverse ages and incomes;
- To establish neighborhoods with appropriate civic spaces and civic buildings;
- To create neighborhoods with buildings that contribute to the physical definition of streets and civic spaces;
- To promote buildings and landscape designs that respond to local climate, topography, culture, and building practices; and
- To preserve historic buildings to affirm the continuity and evolution of society.

3. APPLICABILITY

A. Introduction

This Code applies to all properties that have been rezoned with the Form-Based Code Overlay Zone. Existing communities and underutilized properties that are proposed for development or redevelopment may be rezoned with the Form-Based Code Overlay Zone. The process for rezoning is described in Section 4 of this Article (Zoning and Development Process) of this article. Once an area is rezoned with the Form-Based Code Overlay, this Code shall be used to regulate the design of new streets, new buildings, and new public spaces.

B. Terms

The provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional. Technical terms used throughout this Code may be defined in Article 8 (Definitions of Terms). Those terms not defined in Article 8 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the Existing Codes, the definitions of this Code shall take precedence.

C. Conflicts with Other Codes

The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations, and standards except the following:

- Building Code (Chapters 16.04 and 16.05 of the King County Code)
- Fire Code (Title 17 of the King County Code)
- Energy Code (Chapter 19.27A of the Revised Code of Washington)
- Plumbing Code (Chapter 16.32 of the King County Code)
- International Mechanical Code (Chapter 16.12 of the King County Code)
- Ornamental Pool Code (Chapter 16.78 of the King County Code)
- Electrical Code (Chapter 19.28 of the Revised Code of Washington)

The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations, and standards except as regards issues not covered by this Code. This includes:

- Provisions of the King County Code applicable to land development (e.g., the Land Segregation Code – Title 19A,
- Provisions of the Planning Code – Title 20 (e.g. Environmental Review and Comprehensive Plan)

- Provisions of the Zoning Code – Title 21A
- Provisions of the King County Road Design and Construction Standards – Chapter 14.42

D. Diagrams and Illustrations

Diagrams and illustrations are an integral part of this Code and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

4. ZONING AND DEVELOPMENT PROCESS

A. Introduction

Existing communities and large underutilized properties that are proposed for development or redevelopment may be rezoned with the Form-Based Code Overlay Zone. The process for each type of rezoning is described below:

B. Process for Existing Communities

Existing communities are primarily developed areas that are over 40 acres in size where opportunities for new development are limited to smaller infill development projects and redevelopment projects. The Department of Development and Environmental Services may prepare an area zoning study to consider whether to recommend the Form Based Code Overlay Zone to an existing community. The rezoning application shall comply with environmental review requirements of the State Environmental Policy Act as outlined in Chapter 20.44 (County Environmental Procedures) of the King County Code. If the area zoning study recommends application of the Form Based Code Overlay Zone, it shall include a Draft Regulating Plan (or multiple Regulating Plans) and other supporting studies and documents. A Regulating Plan is a map that shows the boundaries of the Overlay Zone and assigns transect zones (see Article 2, Framework: The Transect) to the existing properties within the Overlay Zone. The Regulating Plan also identifies lots for private and civic buildings and civic spaces, and shows the locations of existing and proposed street types.

The Department shall hold one or more public meetings in the area where the form based code overlay zone is proposed. A recommendation to apply the Form Based Code Overlay Zone to an existing community shall be transmitted to the King County Council as part of the Executive's recommended Comprehensive Plan Updates transmitted not later than March 1 of each year.

If the County Council approves application of the Form Based Code Overlay Zone to an existing community, the Regulating Plan and this Code shall replace the existing zoning of the properties within the Overlay Zone with the new Form-Based Transect Zones established by this Code. This Code (rather than the King County Zoning Ordinance) will then become the exclusive and mandatory zoning regulations for properties in the community, and its provisions shall be applied in their entirety. Subsequent development applications shall be considered by the Department following the procedures in Titles 20 and 21A of the King County Code.

The following communities have been rezoned with the Form-Based Code Overlay Zone:

- [REDACTED] (Ordinance [REDACTED]).
- [REDACTED] (Ordinance [REDACTED]).

The Regulating Plans for the above communities are located in Appendix A (Regulating Plans for Existing Communities).

C. Process for New Communities

Property owners or the King County Development and Environmental Services Department may apply to rezone large underutilized properties with the Form-Based Code Overlay Zone by filing a docket request as provided in Chapter 20.18.140 of the King County Code. The rezoning application shall comply with environmental review requirements of the State Environmental Policy Act as outlined in Chapter 20.44 (County Environmental Procedures) of the King County Code. The docket request shall include a Draft Regulating Plan (or multiple Regulating Plans) for one of the following types of community:

- Clustered Land Development
- Traditional Neighborhood Development
- Transit-Oriented Neighborhood Development

Specific location, size, and design standards for the above communities are provided in Article 6 (New Communities).

The Regulating Plans for new communities shall identify the following:

- The proposed transect zones for all properties within the community.
- The proposed street and block network and a map showing the proposed street types. The perimeter of each block shall be noted on the plan.
- Lots for civic spaces, which shall be sized according to the standards in Article 5 (Civic Space Standards).
- Lots for civic buildings
- Lots for private buildings, which shall be designed in compliance with the applicable lot and building standards in Article 3 (Site and Building Standards).

If the Department approves, it shall conduct an area zoning study on the docket request. The Department shall hold one or more public meetings in the area where the form based code overlay zone is proposed. A recommendation to apply the Form Based Code Overlay Zone to a new community shall be transmitted to the King County Council as part of the Executive's recommended Comprehensive Plan Updates transmitted not later than March 1 of each year.

If the County Council approves application of the Form Based Code Overlay Zone to a new community, the Regulating Plan and this Code shall replace the existing zoning of the properties within the Overlay Zone with the new Form-Based Transect Zones established by this Code. This Code (rather than the King County Zoning Ordinance) will then become the exclusive and mandatory zoning regulations for properties in the community, and its provisions shall be applied in their entirety. Subsequent development applications shall be considered by the Department following the procedures in Titles 20 and 21A of the King County Code.

The following new communities have been rezoned with the Form-Based Code Overlay Zone:

- [REDACTED] (Ordinance [REDACTED]).
- [REDACTED] (Ordinance [REDACTED]).

The Regulating Plans for the above communities are located in Appendix B (Regulating Plans for New Communities).

D. Warrants and Variances

A deviation from the requirements of this Code may be approved by either Warrant or Variance.

A Warrant is an administrative ruling that would permit a practice that is not consistent with or covered by a specific provision of this Code, but is justified by the Intent and Purpose of the Code (see Section 2: Intent and Purpose, of this Article). A Variance is a deviation from a standard within this Code due to a unique feature of the site that creates a hardship on the property owner. The Director shall determine whether a deviation requires a Warrant or a Variance.

The Director shall have the authority to approve or disapprove a request for a Warrant. The decision shall be made in writing and made a permanent part of the applicable Regulating Plan. The Director is not authorized to grant warrants and variances for the following standards and requirements:

- The maximum dimensions of traffic lanes (see Article 4: Street Standards)
- The required provision of Rear Alleys and Rear Lanes in the T4 and T5 Transects (see Article 3: Site and Building Standards).
- The minimum requirements for parking (see Article 3: Site and Building Standards).
- Transect allocations required for each Community Type (see Article 6: New Communities).
- The maximum Block Perimeter and Block Face for the T3, T4, and T5 Transects (see Article 3: Site and Building Standards, and Article 6: New Communities).
- Parking Location Standards (see Article 3: Site and Building Standards).
- Signage Standards (See Article 7: Architectural Standards)

The Director shall have the authority to approve variances, which are subject to appeal to the King County Hearing Examiner as provided for Type 2 decisions under Chapters 20.20.020 and 20.24 of the King County Code.

5. VIOLATIONS

If a violation of an approved Regulating Plan occurs during construction, or if any construction, site work, or development is commenced without an approved plan, the Director shall have the right to require the owner to stop, remove, and/or mitigate the violation, or to secure a Variance to cover the violation. All violations of this code shall be processed in compliance with Title 23 (Code Compliance) of the King County Code.

6. NON-CONFORMITIES

The rezoning of properties to this Code may create situation where existing buildings and uses on properties do not comply with the standards of this Code. Such buildings and uses shall be considered legal non-conforming uses and buildings. Chapter 21A.32 (General Provisions – Nonconformance, Temporary Uses, and Re-Use of Facilities) of the King County Code shall be used to regulate legal non-conforming buildings and uses.

7. SEVERABILITY

If a court of competent jurisdiction determines that a provision of this Code is unconstitutional or invalid, that determination shall not affect the validity of other parts of this Code.

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